

Application No. 10/590,385
Paper Dated 13 December 2010
In Reply to Office Action of August 12, 2010
Attorney Docket No. 3691-062550

REMARKS

By means of this Election and Amendment, applicant elects Group II for initial prosecution without traverse. In view of the new Group II claims submitted herewith, applicant also elects without traverse the species of Table 2.

New claims 49-54 submitted herewith all read on the elected Group II. All other claims have been cancelled without prejudice. More particularly, the claims of Group II, new claims 49-54, are directed both to a method of prognosis and incidentally to the use of a gene chip substrate. The applicant believes the Examiner will find it reasonable that "substrate" (rather than gene chip) appears in new claim 49 submitted herewith. New claims 49-54 thus fall within the elected Group II.

Support for the amendatory language in new claims 49-54 may be found in the specification as follows. Gene clusters #9, #12 and #13 are referenced in the first full paragraph on page 50, for example. Reference to inv(16) and t(15;17) occurs for example in the specification paragraph bridging pages 23 and 24; the value t(8;21) appears for example in the last full paragraph on specification page 47. All of the specifically recited genes appear in Table 2, listed within/adjacent their corresponding and claimed cluster.

Examination and allowance of claims 49-54 are respectfully requested.

Respectfully submitted,

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